

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Steven Charles Rodgers,

Civil No. 09-1214 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Ethel J. Schaen, Esq., Schaen Law Office; and Thomas A. Krause, Esq., Thomas A. Krause, PC, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office, counsel for Defendant.

This matter is before the Court on the Report and Recommendation ("R&R") of United States Magistrate Judge Steven E. Rau. Counsel for Defendant Michael J. Astrue, Commissioner of Social Security, filed a response to the R&R on February 16, 2011 (Doc. No. 32) stating that the Commissioner had no objections to the R&R. Based on the R&R of the Magistrate Judge and on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Application for Attorney's Fees Under the Equal Access to Justice Act ("EAJA") (Doc. No. [23]) is **DENIED AS MOOT**.

2. Plaintiff's Amended Application for Attorney's Fees Under the EAJA (Doc. No. [27]) is **GRANTED**.

3. Plaintiff is awarded \$3,624.18 in fees under the EAJA.

Dated: February 22, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge